

FILED
APR - 8 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TERRY L. MCQUISTEN,

Civil Case No. 08-408-SU

Plaintiff,

O R D E R

v.

**UNITED STATES OF AMERICA, U.S.
DEPARTMENT OF AGRICULTURE and
U.S. FOREST SERVICE,**

Defendants.

Terry L. McQuisten
P. O. Box 428
Baker City, Oregon 97814

Pro Se Plaintiff

Dwight C. Holton
United States Attorney
District of Oregon

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Assistant United States Attorney
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Attorneys for Defendants

KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on March 5, 2010. Plaintiff filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Sullivan.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Sullivan (#31) dated March 5, 2010 in its entirety.

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment (#19) is GRANTED.

DATED this 8th day of April, 2010.



GARR M. KING
United States District Judge